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The Advocate

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The Advocate

FORDHAM LAW SCHOOL

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APRIL, 1985



MITCHELL WINS SBA POST

BY BRIGID McMENAMIN

Stephen Mitchell emerged victorious from a controversial and heatedly contested race for Fordham Law School's SBA presidency. He is the first Black Man to rise to this position.

Q: I have to ask, by how much did you win?

A: Four votes.

Q: Were you there when they counted them?

A: No... I was in the building but I wasn't there... I'm a very confident person so I didn't expect to lose... I just don't go into things expecting to lose...

Q: The competition was stiff though... all of your opponents were very popular. How did you win?

A: I thought that I had the best platform. I didn't think that the other speakers presented things that would be tangible... I don't think they really had a vision as to what the SBA should be about... They were really trying to make it a popularity contest, I felt, with the exception of (Robert) Reidy... I felt that because, I had actually sat down and thought of things that weren't being done that would give me a better chance. And yeah, I have a lot of confidence in my ability to communicate.

Q: Had you ever before done public speaking?

A: ... I have a pretty long track record of being able to get up in front of people and speak... I knew my presentation skills were good and I knew my ideas were good... I was a little disappointed that my opponents didn't come up with tangible ideas. During the debate people kept saying "Stephen's ideas are very

good and I think those are things that we should do." But they weren't really coming up with ideas of their own.

Q: So in a sense they were complimenting you during the debate?

A: They were. And they weren't coming up with ideas of their own and that bothered me because the SBA can be about a lot more things than just some of the suggestions that my opponents had... professional school orientation is a lot different from college orientation. A lot of my opponents seemed to be into talking about parties and social events... I've been going out with the same girl for five years, no seven years... And I'm not here for romance. I'm not here to socialize... I'm here to get an education and to enhance my career as an attorney. And to make friends along the way... but that's not the focal point of what I'm here about. So to center SBA activity around entertainment... is not really what law school is about...

Q: Have you ever been to a Tang?

A: Yeah... I think that releases like Tangs are important. I'm not diminishing the importance of Tangs. I'm just saying that shouldn't be the focal point of what SBA is about. I mean... trying to make a name for the Law School... Like the idea about the mayoral debates... One of the main reasons you want to do something like that is so that people know and are aware of the Fordham community...

Q: How will you set up mayoral debates...

A: I'm fortunate that Matt McKinley is Secretary. He's very well connected politically. He's working... to try and attract... the Koch people, the Bellamy people. I'm pretty well familiar with the Farrell candidacy... I'm going to talk with the Dean (Feerick) about

(Continued on page 3)

(Continued on page 12)

WINS NATIONALS

In only the second year of Fordham's participation in the National Trial Advocacy Competition, the team of Susan Genis, Melissa Rosse, and Mary Kaczmarek won the National Championship in Washington, D.C. Sponsored by the Association of Trial Lawyers of America, the competition began with teams from 65 law schools from around the U.S. in regional rounds. Fordham reached the finals by triumphing in the Northeast regionals author in the region's Best Brief. The team was coached by Professor Mary C. Daly and assisted by Kevin Preston, Trial Editor.

The competition consists of a mock trial, and each team is made up of two "attorneys" (Genis and Rosse) and a witness (Kaczmarek). This year's problem involved a suit for negligent maintenance by a landlord brought by a woman raped on the grandstand apartment complex.

Fordham's interschool moot court teams racked up a number of successes this past winter. The National Team, made up of Marjorie Cadogan, David Hennessy, and David Vincinanzo, won the Regional competition and authored the Best Brief in the Region. In addition, Mr. Vincinanzo was named Best Speaker in the Region, and Mr. Hennessy was named Second Best Speaker in the Region. In the National competition, the team advanced to the final elimination round.

The team of Robert Farrell, Priscilla Monahan, and Margaret Mary O'Brien were Finalists in Fordham's Tenth Annual Irving R. Kaufman Securities Law Competition, and Ms. Monahan was named Best Speaker. Fordham's team of Michael Crane, Kerry O'Connell, and Amelia Zalzman were Finalists in the New York County Lawyers Association's Antitrust Competition, in which Mr. Crane was named Best Speaker.

Fordham's Philip C. Jessup International Law Team won Third Place overall in the region, and authored the Third Best Brief. The team consisted of Susan Bai, Ray Shanley, Anthony (A.J.) Bosco, and Lon Singer. On the same weekend in March, Matthew D. Arkin, Michael R. Graham, and Robin Shanus advanced to the Quarterfinals in the J. Braxton Carver, Jr. Memorial Moot Court Competition, and Mr. Arkin was named Third Best Speaker.

(Continued on page 11)

DESPITE CUTS AID STILL AVAILABLE

Students who are currently in college, or who are planning to enroll, should continue to apply for State and federal financial aid. There has been no change in the eligibility requirements for these programs.

There may be some confusion at this time because of the widespread publicity regarding the Administration's proposed cuts in federal student aid. However, it is extremely important for parents and students to know that these proposals are not in effect, says Dr. Dolores E. Cross, President of the New York State Higher Education Services Corporation. She emphasizes that "aid is still available!"

On February 4, President Reagan sent his FY 86 budget proposal to Congress. The recommended cuts, if enacted, would drastically reduce federal student financial aid programs, causing a loss of half a billion dollars to students in New York State. Commenting on the impact, Dr. Cross said, "The proposed changes to student aid funding levels would severely affect

postsecondary opportunities for New Yorkers and would destroy the progress that has been made in providing educational access and choice for all students."

However, before any of the proposals can go into effect, several committees in both Houses of Congress have to act on them, and the full House and Senate must pass budget resolutions and appropriation measures. Meanwhile, parents and students must be encouraged to apply for both State and federal aid when planning post secondary education. They should

(Continued on page 3)

Second Year Student Elected to ABA Post

On March 16, 1985, the American Bar Association held its spring conference at the New York City Bar Association. Many of the Law Student Division Representatives and Circuit Officers attended. Some of the Second Circuit Law Schools that attended included Fordham, NYU, Buffalo, Albany and Brooklyn. The luncheon for this year's conference was held at Fordham's very own cafeteria. Dean Feerick, as well as many of Fordham's Law Student Division Representatives, Edward Guardaro (3A), Nicholas Ferrara (2A), Lynn Palone (2B), and Robyn Seitz (1B) were there to welcome the ABA representatives.

As well as discussing general business, the spring conference was planned around an informative/educational theme of current interest, for which the resources of both local and state bars and the National staff are often utilized. This year, members from the Concern for Dying group spoke at the conference.

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- Intramural Basketball
- Follies Reviewed

- Financial Aid News
- And Much, Much, More!

At the spring conference, a Circuit Governor and Lieutenant Governor for the coming year are elected. This year Nicholas Ferrara, from Fordham, was elected Lieutenant Governor. This is the first time that a Fordham student was elected to such a position.

If any student is interested in becoming a member of the ABA or one of Fordham's Law Student Division Representatives, do not hesitate in contacting one of Fordham's representatives or leaving a letter in the ABA mailbox in the Student Activities office.

Last year, again, more than 4,300 people studying for the New York Bar Exam took BAR/BRI.

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IMPACT OF REAGAN'S PROPOSED AID CHANGES

On February 4, the President sent his fiscal year 1986 budget to Congress. The proposed changes to student financial aid would cost New York over one-half billion dollars. Guaranteed Student Loan (GSL) eligibility would be reduced by almost \$400 million (-41%), with 131,000 GSL Loans eliminated (-33%). New Yorkers would also lose \$113 million (-19%) in funding for the remaining Title IV programs. The Administration is also proposing changes to the subsidies paid GSL lenders that will make the GSL program very unattractive. Lender participation would be discouraged and loan volume would decline even further.

These changes would severely affect the post secondary educational opportunities for New Yorkers and would destroy the progress that has been made toward providing access and choice for all students.

Before any of these proposals would go into effect, several committees in both houses of Congress have to act on them, and the full House and Senate must pass budget resolutions and appropriations measures.

The details of the President's student aid proposals follow. Where possible, estimates of the impact on New York State are provided as well. Please note that these estimates are preliminary and subject to further refinement.

A. General Provisions Affecting Eligibility

The following changes to eligibility standards would apply to all Title IV programs except where noted:

a) A \$4,000 per student "mega-cap" would be placed on Title IV (loan and grant and work-study) benefits. Only PLUS/ALAS loans would be excluded from this requirement.

b) A \$25,000 family adjusted gross income (AGI) cap on eligibility for grant aid, direct loans, or work-study employment and a \$32,500 AGI cap on eligibility for regular Guaranteed Student Loans would be imposed.

Aid Still Available (Continued from page 1)

not be misled or discouraged by potential reductions.

The New York State Higher Education Services Corporation is the agency responsible for administering the State Tuition Assistance Program (TAP) and Regents Scholarships, as well as the federal Guaranteed Student Loan (GSL), Parent Loan (PLUS) and Auxiliary Loan (ALAS) programs. Single dependent or married students, and students with children are eligible for TAP if their incomes do not exceed \$29,000 in net taxable balance. Single independent students must have \$5,666 or less in net taxable balance. Undergraduates may borrow

The only programs without an income cap would be the PLUS/ALAS Loans.

c) All students would be expected to contribute a minimum of \$800 toward educational costs, from earnings or savings, before being considered for Title IV loan or grant eligibility. College Work-Study awards are exempt from this requirement.

d) Students below the age of 22 would be classified as dependent on their parents, except for orphans or wards of the court.

e) A high school diploma or its equivalent would be required for receipt of any student aid administered by the U.S. Department of Education.

B. Pell Grants

In FY 85, the Pell Grant program will provide \$3.33 billion in awards nationally, with New York State receiving an estimated \$415 million for nearly 360,000 recipients. The President's budget proposes to cut-off Pell Grant eligibility at \$25,000 in adjusted gross income and make the following changes:

1) Reduce the 1985-86 Pell maximum award from \$2,100 to \$2,000, and reduce the maximum cost of attendance covered from 60% to 50%.

2) In 1986-87, increase the family contribution expected from lowest income applicants from 11% to 18% of discretionary income.

3) Restore the maximum Pell award to \$2,100 or 60% of eligible costs in 1986-87, but add technical restrictions to the calculation rules.

4) Redefine allowable costs in 1986-87 to include actual tuition and fees plus a "living allowance" for indirect educational costs, up to \$3,000 for students not living at home and \$1,500 for students living at home. Current rules allow actual or average costs for tuition, fees, room and board for on campus students, and a \$1,600 living allowance for a student who lives at home with his or her parents.

up to \$2,500 per year through the GSL program. For borrowers with family incomes over \$30,000, a family contribution is also considered in calculating the amount of loan eligibility.

Other federal programs include Pell grants, Supplemental Educational Opportunity Grant (SEOG), National Direct Student Loans (NDSL), and College Work Study. For information on student aid, write:

NYSHESC
Student Information
Albany, NY 12255

IMPACT

The above changes, together with the general provisions described on page 2, would eliminate an estimated 100,000 Pell recipients in New York State and reduce funding by about \$79 million.

C. Guaranteed Loans

In FY 85, an estimated \$7.9 billion in loans (student and parent) will be made nationally, with New York State expecting to provide \$1.04 billion.

Under the President's FY budget, the loan programs would undergo major revisions, including the following (Note that unless otherwise indicated, these would all go into effect in the 1986-87 academic year):

1) Loans to students from families with adjusted gross incomes in excess of \$32,500 would be eliminated.

IMPACT

Volume would be cut by \$226 million

preceding March 31, rounded to the nearest whole percent. Thus, the interest rate could change for the loans made for each academic year and individual students could have loans with different interest rates. The interest rate on individual loans would be fixed.

7) Guarantee agency income would be reduced sharply. The maximum rate of default reinsurance for loans made as of academic year 1985-86 would be 90 percent, with the rate dropping to 70 percent and even 50 percent, depending on the default rate. Advances that have been made to agencies for the purposes of purchasing defaults would be returned to the federal government (\$11 million in New York). Agencies would no longer receive administrative cost allowance payments (now \$10 million per year in New York).

IMPACT

To make up for these losses, the Corporation would have to raise the insurance premium

Proposed Aid Changes will Restrict Access to Higher Education

(24%). Ninety-eight thousand loans would be eliminated.

2) All students would be required to undergo needs analysis.

IMPACT

Volume would be cut by approximately \$105 million with a disproportionate impact on independent students.

3) There would be a limit of \$4,000 per year in federal aid (includes all federal grants and loans but PLUS/ALAS).

IMPACT

Graduate students, most of whom now borrow more than \$4,000 per year, will lose \$35 million. Undergraduate loans would be reduced by \$30 million in New York.

4) Beginning with the 1985-86 academic year, lenders would have to disburse all full-year loans in two or more payments. Interest subsidies and special allowances would be based on the amounts disbursed.

5) Beginning with loans made for academic year 1985-86, the special allowance paid to lenders would be fixed at 1.5 percent for the in-school period and at 3 percent during repayment. The special allowance on new loans will no longer float up and down with the Treasury Bill rate.

6) For loans made in any academic year, beginning with 1985-86, the interest rate for students will be the bond-equivalent rate of 91-day T-bills during the quarter ending the

paid by borrowers to an average of \$50.00 per loan. The current average premium is \$12.50.

8) To absorb some of the losses in the GSL Program, the Parent Loans for Undergraduate Students (PLUS) and Auxiliary Loans to Assist Students (ALAS) would be made available to all otherwise eligible students and loan limits raised to \$4,000 per year and \$20,000 in total. Other changes to the PLUS/ALAS programs would include:

a) Interest rates on PLUS/ALAS loans would be determined by the lender, subject to a maximum of the current bond equivalent rate of 91-day T-bills plus 3 percent. The interest could be fixed or variable.

b) No special allowance would be paid on PLUS loans.

c) A guarantee fee of 1 percent would be paid by all PLUS borrowers, to be remitted to the federal government.

D. Federal funds for three major Title IV financial aid programs would be terminated:

1. Supplemental Educational Opportunity Grant (SEOG)

In FY 85, the SEOG program will provide \$413 million nationally, with New York State expecting to receive approximately \$30 million for over 47,000 students. However, the College Work Study Program would be expanded under the President's proposal and schools could use up to 50% of their CWS allocation for grants.

Preliminary Estimate of the Impact on New York State

of President Reagan's FY 86 Budget Proposals for

Title IV Student Financial Aid Programs

Program	FY 85 Dollar ¹		Reagan FY 86 ¹		FY 86	
	---Volume---		---Budget---		---NYS Impact---	
	USA	NYS	USA	NYS	Dollars ¹	Number ²
Supplemental Education Opportunity Grant (SEOG)	\$ 413	\$ 30	\$ 0	\$ 0	\$- 30	\$- 47
College Work Study (CWS)	\$ 593	\$ 50	\$ 850	\$ 72	\$+ 22	\$+ 32
National Direct Student Loan (NDSL)	\$ 215	\$ 20	\$ 0	\$ 0	\$- 20	\$- 12
State Student Incentive Grant (SSIG)	\$ 76	\$ 6	\$ 0	\$ 0	\$- 6	\$- 22
Pell Grant	\$ 3,325	\$ 415	\$ 2,691	\$ 336	\$- 79	\$- 100
Subtotal	\$ 4,622	\$ 521	\$ 3,541	\$ 408	\$- 113	\$- 149
Guaranteed Loans						
Student - Regular	\$ 7,498	\$ 958	\$ 6,525	\$ 562	\$- 396	\$- 131
PLUS/ALAS	\$ 443	\$ 86	\$ 1,022	\$ 198	\$+ 112	\$+ 41
Grand Total	\$ 12,563	\$ 1,565	\$ 11,088	\$ 1,168	\$- 397 ³	\$- 239 ³

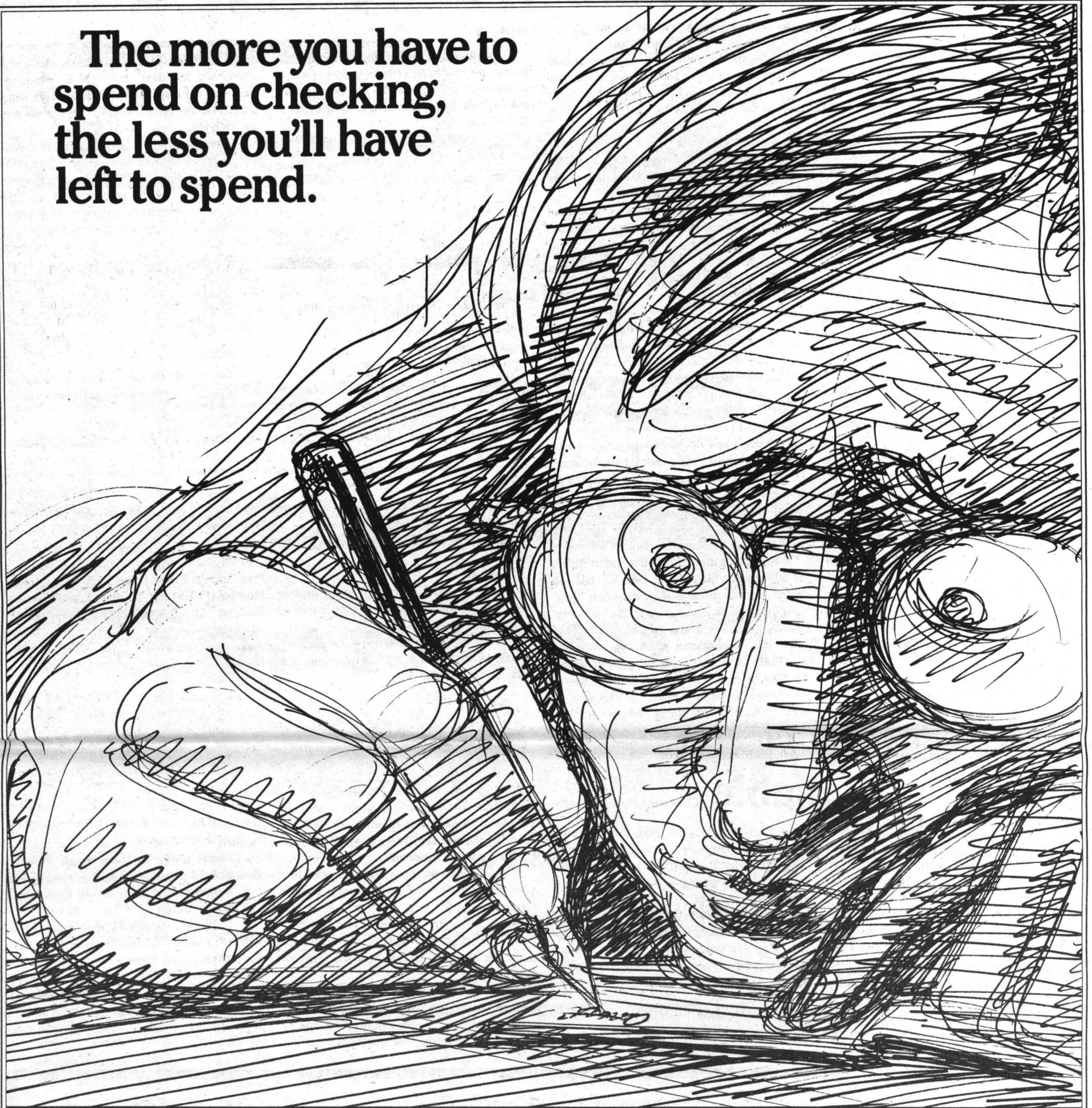
SOURCE: New York State Higher Education Services Corporation 2/8/85

NOTES: 1- Millions of dollars

2- Thousands of awards

3- These are net reductions which reflect increased College Work-Study funding and an assumed increase in PLUS/ALAS borrowing.

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Harris Plans New Clinical Program

BY ANDREW LIPUT

Professor Catherine Harris is at present attempting to establish a new type of student practice clinic at Fordham Law School. In essence, the experimental Urban Law Clinic Program provides students with the opportunity to perform all the functions of an attorney, under the close scrutiny and supervision of a practicing attorney and a law school faculty member. The responsibilities of the students enrolled in the program are numerous and impressive: interviewing clients and witnesses, doing case planning, negotiating pre-trial preparation and gaining tremendous insight into the application of substantive law and legal procedure. Students are thus able to gain valuable, real life experience before even taking the state bar exam. The Urban Law Clinic Program is run with the New York City Corporation Counsel's Office in lower Manhattan and operates much differently than the typical law school course offering.

The idea of clinical programs is far from revolutionary. Many of the law schools in the City, Columbia, NYU, Pace and Cardozo, to name a few, have already integrated such programs into their law school curriculums. In fact, as Professor Harris explains, there are currently three clinical models employed by various law schools nationwide, which attempt to give

Harris. When a student errs in his or her thinking or reasoning, he or she is told to "go back and start again." Students work in teams of two, and as Diane Zilka ('85) explains, "We are made to feel that we are an integral part of the (Corporate Counsel's) operation." Diane is teamed with Carey Phillip Wagner ('85), and both are currently preparing a case set for trial this week. Both have been busy doing research, interviewing and prepping witnesses, and basically doing much of the same work they will be doing once they graduate. Carey may very well be back in the Corporation Counsel's Office after graduation—his supervising attorney liked his work so much that he is recommending Carey for a full time position there. Another Fordham student on the Clinical Program has been involved this semester on an unlawful eviction case. Michele Tortorelli ('85), an evening student with previous experience working for local government, has accompanied City building and health inspectors to apartment buildings in Manhattan. She and her partner, Rosemary Tsoi ('85), have interviewed tenants and prepared reports on their findings. Michele has enjoyed the realism of the practical experience, and dealt with its frustrations as well: "Justice moves slowly in the city," she observes.

This Complex and Professional Real Life Practice Should Be a Valuable Addition

students more practical exposure to the legal profession.

One clinical model is Classroom Simulation, where students play roles and practice problem resolution.

Fordham's trial advocacy class, and the first-year moot court program are examples of this type of clinical model. A second model, the Clinical Internship, is currently employed at Fordham each semester and during the summer. This model is designed to assign students to positions assisting attorneys and judges in the field. Its goal is skill observation and the refinement of analysis. Research and writing predominate, rather than the real life skill practice which Professor Harris' experimental Practice Clinic provides.

In the Urban Law Clinic, students are making decisions and carrying them out. Ideas and actions are scrutinized and evaluated by the Corporate Counsel supervisor and Professor

This complex and professional real life practice makes the Urban Law Clinic a potential valuable addition to Fordham's curriculum. If the program is approved by the faculty next fall, it will become a permanent program. Judged by the positive comments from the attorneys in the Corporate Counsel's Office, who felt that the excellent work on behalf of Fordham students enabled the office to process cases it would not have otherwise, the program has been mutually beneficial. If you combine these comments with the enthusiasm of Professor Harris and her first-time students, the faculty must give the program serious consideration.

Until then, there still remain openings for the program's summer session. Professor Harris will accept applications for that session up until May 15. In addition, applications will be accepted throughout the summer for the fall semester, in anticipation of approval for the program by the faculty. The program has been



Professor C. Harris... planning changes

allocated five credits for its significant work load, and students are expected to keep a daily journal of their thoughts, reflections and evaluations. During the course of the program, Professor Harris will meet regularly with each participant to evaluate and aid students. A formal evaluation of each student is made at the end of the semester.

The Court of Appeals of NY requires that the Urban Law Clinic Program be restricted to first and second semester third year students (or in the case of the summer program, students finishing their second year). Those who are interested in trial work, those who are interested in municipal or government careers, and those who are simply interested in seeing how the law operates, as opposed to merely doing researching and writing in the summer or at jobs during the school year, may find the program a great alternative. Only 6-8 students will be chosen each semester (or summer), and obviously those who exhibit a high degree of interest and motivation in the area, who have adequate grades, and whose goals have some relationship to the clinic will be favored. For more information, see Professor Catherine Harris in Room 145.

HOLTZMAN SPEAKS ON D.A.'S WORK

Kings County District Attorney Elizabeth Holtzman spoke before an audience of seventy people on March 5th in the Law School. Ms. Holtzman spoke about the various opportunities available in the District Attorney's Office and the role of the District Attorney in protecting the public interest.

Ms. Holtzman began her talk by explaining how the District Attorney is a "key player" in the justice system and in deciding what justice is. She noted how the justice system included not only criminal issues, but other topics such as Civil Rights and Toxic Waste. The Kings County District Attorney's Office has been a leader on a number of issues like the change in rape laws and the elicitation of testimony from abused and molested children. Issues presently being looked at by her office include white collar crime, fraud in election and organized crime.

Much of Ms. Holtzman's talk focused on her office's fight to eliminate the use of the preemptory challenge when this challenge is based solely on race. The Court of Appeals of the State of New York ruled this type of challenge Constitutional. Upon certiorari petition to the Supreme Court, the Supreme Court refused to hear the case, but sent it down to Federal District Court for a full hearing. The District Court, and the Second Circuit on appeal, both agreed with Ms. Holtzman and said that the use of the preemptory Challenge based solely on race was unconstitutional. The District Attorney's Office is presently petitioning for a final ruling. Ms. Holtzman added that she hoped this ruling could be extended to include a number of other protected classes.

After her talk, Ms. Holtzman answered questions. When asked if she would be running for the Senate in 1986, Ms. Holtzman replied that she was running for District Attorney this year and that was the only election on which she was concentrating.

THE NEW RACKETEERS

BY DOUGLAS ABRAMS

As the Justice Department prepares to prosecute reputed organized crime bosses in New York, the Supreme Court is set to decide whether we will have another class of "racketeers" -- Fortune 500 companies and Big Eight accounting firms. For the past three years, private plaintiffs have asked the courts to hold these institutions liable for triple damages under the Racketeer Influenced and Corrupt Organizations Act, the same legislation that the Justice Department is using. Scores of less prominent corporations and individuals have also been

named as "private RICO" defendants. The Supreme Court's decision, expected early this summer, will do more than tell us whether RICO reaches into corporate board rooms. It will also offer disturbing insights into the sometimes cavalier way Congress goes about its business.

RICO is just one recent example of poorly drafted legislation whose scope far exceeds the mischief Congress sought to remedy. Shortly before its enactment in 1970, the Senate Judiciary Committee explained that RICO was aimed at eliminating the infiltration business. The Justice Department is authorized to prosecute alleged racketeers, and it is doing just that. But Congress went even further, authorizing private plaintiffs to sue for triple damages.

There is little to suggest that Congress had the Fortune 500 and Big Eight in mind when it enacted RICO fifteen years ago. But plaintiffs' lawyers have discovered that RICO's broad language seems to authorize a triple-damage claim in nearly any fraud suit, no matter who the defendant is. In the past three years, plaintiffs have routinely asserted RICO claims against defendants of all sizes and descriptions, including the Ku Klux Klan, the Church of Scientology, and divorced spouses. The irony is that few, if any, mobsters have been sued by RICO plaintiffs, and it is unlikely that many ever will be.

Plaintiffs have a strong case that private RICO encompasses almost any fraud claim. All the defendant must do is engage in a "pattern of racketeering activity," and you do not have to be a mobster to qualify. A defendant engages in "racketeering activity," according to RICO, by committing any of more than two dozen specified acts. At least three of these acts (mail fraud, wire fraud, and fraud in the sale of securities) are routinely committed by non-racketeers. To commit mail fraud or wire fraud,

(Continued on page 10)

Career Planning Center Summer Calendar

BIG EVENT:
Wednesday
July 17, 1985
Evening

Many faceted event:

- Students Pick Up Materials for Fall Interviewing (the **Directory of Employers**, lists preference materials)
- Hiring Officials (Interviewers, Hiring Partners, and Recruitment Administrators) will be here for a reception, tour of building and to meet the students
- Panel and Presentation on On-Campus Interviewing and the Fall process.

Early Interview Week will be Aug. 19-23, the 10 week "Regular Season" will start on September 9 and continue through mid-November. (Resumes and preference materials for Early Interview Week will be due on July 31st.)

We have compiled a list of employers who hired last year's second year class. Therefore, if you are a second year student seeking a summer job, you may want to consult this list for creative ideas for mail campaign.

Those of you in the Class of '85 seeking a permanent position should watch for a similar list called "Where's '84" which is being compiled now. If you are looking for a job now, complete the "I AM SEEKING" FORM available in our office. It will help us to help you over the next few months.

JUDICIAL CLERKSHIP NEWS

Members of the Class of 1986 are now meeting with the five members of the Faculty Judicial Clerkship Committee. The judges have decided not to utilize the former July 15 opening date for applications. Hence students are rushing to get their applications out to judges now.

Please let us know if you're interested in obtaining a clerkship for beyond your graduation.

ALUMNI ADVISOR PROGRAM

Notifications to students of their alumni advisor assignments will be mailed the week of April 8. Watch for this important letter in the mail!

NYC CORPORATION COUNSEL SEEKING EVENING STUDENTS

On April 24 from 5-6 p.m. the N.Y.C. Corporation Counsel will meet with all interested evening students to discuss the Student Legal Assistant position. A resume and two writing samples may be submitted ahead of time. A personnel specialist and an attorney are scheduled to be with us.

A great many jobs have been listed with us for evening students...there are more jobs than students to fill them. Please come in and check the book for details.

STAFF CHANGES

First, the bad news: Michael Guzzo and Rene Klotz have left us for greener pastures. (We wish them well in their new endeavors!) Now, the good news: two new staff members will join us during April: Raffaella Ciccone and Denise Baecher. We know you'll enjoy getting to know these fine people and they will bring very special talents to the Career Planning team!

The Board of Editors Congratulates The Class of 1985 Upon Their Graduation. Good Luck And Best Wishes!

The Advocate

FORDHAM UNIVERSITY SCHOOL OF LAW

The Advocate is the official newspaper of Fordham Law School, published by the students of the school. The purpose of the Advocate is to report news concerning the Fordham Law School Community and developments in the legal profession, and to provide students with a medium for communication and expression of opinion.

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THOMAS JANOVER
CONSULTING EDITOR

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HAVE A GOOD SUMMER!

HECHT, ALLEN
3935 Blackstone Ave. Apt. 2B
Bronx, NY 10471

HECHT, JESSICA
340 W. 86th St.
New York, NY 10024

HECHT, MITCHELL A.
111 Fourth Ave. Apt. 8E
New York, NY 10003

THE 1985
STUDENT DIRECTORY
LISTS 3 HECHTS
AND NONE OF THEM
ARE RELATED!

"PETER THE FISHERMAN"
HAS YET TO NET HIS
FIRST CATCH!

WHILE RENOVATING THE LIBRARY
A WORKER ACCIDENTLY RIPPED
THE OLD CARPETING — AND THE
TORN OUT SHAPE FORMED A
PERFECT PROFILE OF A HUMAN HEAD!

THERE REALLY IS
NO FOURTH FLOOR!

CLOSET
KEEP OUT!

DURING EXAM PERIODS
CERTAIN STUDENTS STUDY
IN THEIR CLOSETS
WEARING NOTHING BUT
THE SKIN ON THEIR BACKS!

BITTKER'S FIRST NAME IS BORIS
AND CHIRELSTEIN'S FEDERAL
INCOME TAXATION IS DEDICATED
TO A BORIS!

THE TOWNSPEOPLE
IN THE MOTION
PICTURE "WITNESS"
ARE NOT HASIDIC
JEWS.

PENAL
LAW
OF
N.Y.S.

THE ADDRESS
OF THE COMPANY
THAT PRINTS AND
PUBLISHES THE NEW YORK
STATE PENAL CODE IS:
199/300
STATE STREET
BINGHAMTON, NY 13901!

THE BOARDS WHERE GRADES
ARE POSTED ARE ACTUALLY
KNOWN AS THE WAILING
WALL!

YOUR 103 NUMBER
THE EXAM NUMBER
CARDS ARE ACTUALLY
LEFT OVER TICKETS
FROM MOTHER'S BAKERY
LOCATED IN
LIBERTY, N.Y.!

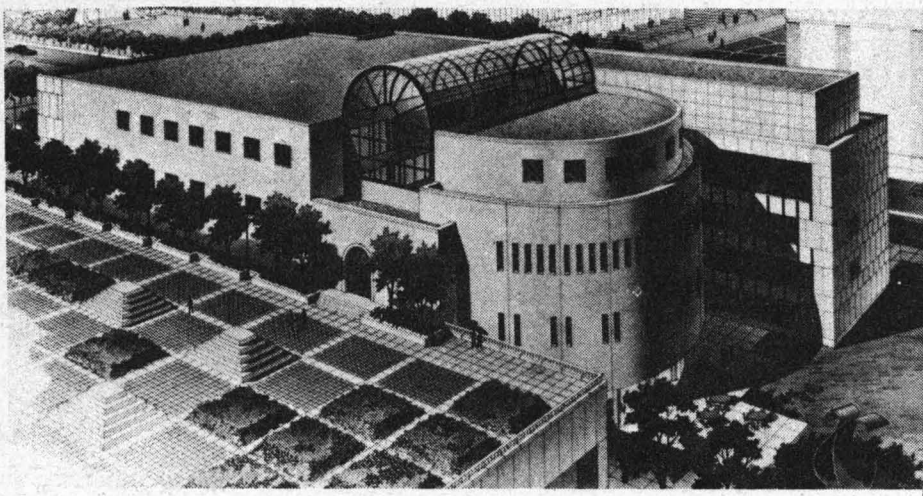
OF THE TELEVISION
PROGRAM "KNOTTS LANDING"
IS A FORMER FORDHAM
LAW STUDENT!

THE LIBRARY IS ACTUALLY
FOR STUDY — NOT TALKING!

ACTUAL QUESTION ON A
UNIVERSITY OF CHICAGO CLASSICS EXAM:
WHAT WAS COUNT DRACULA'S OCCUPATION?
STUDENT'S ANSWER:
BLOOD SUCKER.
PROFESSOR'S COMMENT:
DRACULA WAS A LAWYER, CLOSE ENOUGH.

THE STATE DIGESTS WERE
DONATED BY THE FRIENDS
OF WILLIAM C. HECHT, A
LOYAL SON OF FORDHAM!

AM HECHT 4/85
RSYB!
GOOD LUCK TO
ALL ON YOUR
EXAMS!
CONGRATS TO THE
CLASS O'85!



Ban Nuclear Trucking

BY ROBERT ALTMAN

On April 1, 1985 Lindsay Audin of Citizens Against Nuclear Trucking and Mark Schienberg of the New York Public Interest Research Group spoke at the Law School about the dangers of nuclear waste shipment by truck. The Fordham Democratic Law Student Association sponsored the talk which lasted thirty minutes.

Mssrs. Audin and Schienberg spoke on this condition because the shipment of nuclear waste by truck is an inherently dangerous situation. Nuclear Waste from reactors at Brookhaven ships it via truck out to Idaho. On its way out to Idaho the waste passes through New York City. The route taken is I-495 (the Long Island

Expressway) to I-295 (the Clearview Expressway) to I-95 (the New England Thruway) to I-87 (the Cross Westchester Expressway) to points west. Needless to say because the radioactive shipments pass through highly populated areas there is a need for these shipments to be safe. However, they are not.

The shipments are not safe because the casks used to shield the radioactive waste from the environment are not secure. Many have been found to have defects. In fact, some have been pulled off the roads due to defects. Other times shipments have been delayed due to the defects. However, even without the defects the casks are unsafe. All testing of the casks have been done on scale models. There have been no real tests - probably because the Nuclear Regulatory Commission knows the casks might fail. Even the tests on the models have not met with favorable results. The National Transportation Safety Board has labeled government propaganda on the safety of the casks "misleading" and "objectionable," and the methods used by the Nuclear Regulatory Commission "crude and unbelievable."

The damages from an accident where the cask fails to keep in the radioactive waste can be astronomical: four to twenty billion dollars in property damage; radiation sickness for hundreds of thousands, the loss of the use of an area the size of Queens for over fifty years. These are the government's estimates of the damage from the leakage of only a teaspoon's worth of radioactive waste. Each shipment made contains fifty pounds of waste.

The shipments of nuclear waste through the route mentioned above have already begun. Mssrs. Audin and Schienberg are fighting to have the waste rerouted and hopefully in the future the shipments may be stopped altogether. If you are interested in joining this fight, or would just like more information call Citizens Against Nuclear Trucking (CANT) at (718) 225-3560 and ask for Mark Schienberg. Further information can also be obtained through Robert Altman at the Law School or by calling him at (718) 746-5148.

FLS on MTV?

Letter To Editor

The Dedication Ceremonies of the Law School extension were held on October 24, 1984, and the entire proceedings were recorded on a two hour video-tape. The full tape was then edited, narrated and condensed into a 30 minute version, with a short tour of the new facilities tucked on at the end.

Dean Feerick thought we should show this shortened narrated tape to many of our out-of-town alumni who could not be with us on the day of the Dedication. Accordingly, a team consisting of Dean Reilly, Maureen Provost and myself visited alumni groups at receptions in Washington, San Francisco and Los Angeles. In addition, I visited the alumni of Arizona which held a reception in Phoenix.

The alumni attending these receptions varied from members of State and Federal judiciaries and administrative agencies, partners and associates at major firms, sole practitioners and corporate employees. Besides showing the tape—which they enjoyed very much—we also stressed three points:

- The need for their continued financial support to the Annual Fund which supports many projects at the School, including such things as the Urban Law Journal and the International Law Journal.
- The help in seeking and offering placement to our graduates; and,
- the possibility that someday, their children would also attend their alma mater. It was pointed out that if student housing comes to Lincoln Center, that dream could become a practical reality.

The response was heartwarming and enthusiastic. Fordham people do not change merely because they leave New York. Accordingly, we hope to visit more cities in the future. Many in attendance expressed a desire to do some on-campus interviewing at Fordham in the future. In this regard, we hope our student body will respond. There are great opportunities in some of these areas, and with these newly formed alumni chapters, Fordham will not be far away. Anyone interested in out of town employment please contact Maureen Provost, our Director of Placement.

Thank you.

Constantine N. Katsoris
Professor of Law

SBA REPORTS...

... On Financial Aid

The "new" Student Bar Association would like to take this opportunity to say HELLO. On March 14, 1985, the students of Fordham elected Stephen Mitchell, President; Sam Watkins, Vice-President; Kathy Karavellas, Treasurer and Matt McKinley, Secretary. Although we do not officially take office until next semester, we have already begun to work for and represent you. In my capacity as Secretary, it is my duty to make sure that you are aware of what we are doing and that we are aware of your feelings and ideas. This is the first of many communications I will share with you.

Besides the various housecleaning matters which are now taking place between the two SBA Administrations, and the election of new class representatives, there are a few other issues which we are dealing with which you should be aware of. First, the "new" SBA has begun a petition campaign directed at Secretary Bennett of the U.S. Department of Education

protesting the proposed cutbacks in student loan money. (Petition enclosed.) We have gone class to class and have received approximately 700 signatures. I have been in touch with Senator D'Amato's Washington office to work out arrangements with the Senator on presenting the petitions to Secretary Bennett.

In addition, President Stephen Mitchell has begun discussions with the Administration on two important issues. First, the SBA has proposed that nine o'clock classes during the 1985-1986 school year be eliminated and all classes begin no earlier than ten o'clock. Petitions supporting this idea have been distributed throughout the classes. Second, the SBA is seeking a facility where we may establish a television room. We are also looking into the possibility of a cable hook up. Hopefully, these two ideas will make life at Fordham a little easier and more enjoyable.

Finally, good luck on exams and enjoy the summer vacation.

School of Law

F O R D H A M U N I V E R S I T Y

Lincoln Square
New York, N. Y. 10023

Student Bar Association

DEAR SECRETARY BENNETT:

WITH THE ESTIMATED COST OF ATTENDING FORDHAM LAW SCHOOL PRESENTLY AT \$11,200 AND WITH A PROPOSED INCREASE OF \$1,000 FOR NEXT YEAR; MY FELLOW STUDENTS AND I CANNOT POSSIBLY ABSORB THE FEDERAL GOVERNMENT'S PROPOSED FINANCIAL SETBACKS IN STUDENT LOANS. AS A STUDENT WHO HAS ALREADY FINANCED FOUR YEARS OF UNDERGRADUATE EDUCATION, MY RESOURCES ARE QUITE LIMITED THUS MAKING FINANCIAL ASSISTANCE IN THE FORM OF LOANS EXTREMELY IMPORTANT. THIS LOAN MONEY IS NEEDED TO HELP PAY TUITION AND PURCHASE BOOKS. WITHOUT IT, MANY OF US MAY BE FORCED TO WITHDRAW FROM SCHOOL.

ALTHOUGH I AM AWARE OF THE PREVIOUS ABUSE OF THE LOAN PROGRAM BY OTHER STUDENTS, I FEEL THAT MY PEERS AND I SHOULD NOT BE PREJUDICED FOR ACTIONS OF WHICH WE WERE NOT A PART. I ASK YOU TO RECONSIDER THE IMPORTANCE OF THESE FUNDS AND REALIZE THE IMPACT THAT THESE CUTBACKS WILL HAVE ON STUDENTS THROUGHOUT THE COUNTRY.

SINCERELY,

name

address

yr. of grad.

FDLSA CLOSES OUT THE YEAR

This is my final piece in the Advocate for the F.D.L.S.A. In this piece I would like to reiterate and expand upon some of the comments made by Father Zogby last month in his piece on volunteerism. But first, I would like to thank Glenn Busch, David Heires and Mark Kosak for allowing me to be part of the Advocate; gentleman, it was a pleasure writing for you.

I write this piece because I want to get people to care either for the first time or more probably once again about our society and our politics. I know of people in this law school who care only about how they function as lawyers. They live under a belief, I feel a mistaken one, that simply by functioning as an attorney they play their part in society. I feel this belief is wrong because solely looking to improve one's skills as an attorney can lead to a self centered person who can only grow so far. This failure to grow in a multiplicity of directions eventually hurts society, because it hurts our ability as lawyers to understand how non-lawyers feel. Since part of our job is to know how non-lawyers feel we will ultimately fail at our given profession if we do not have an understanding

of the world around us. People who care learn about their society, themselves and other people. These people will make better attorneys.

To this extent I would like to suggest two things to do for a graduating law student. The first is to continue conscientiously the process of education outside of law. Lawyers must not only think like lawyers, but like businessmen, economists, historians, politicians, preachers and any number of other professionals. Professor McGonagle is fond of noting how he reads the New York Times. From Professor McGonagle's lectures one can gather that he reads more than just the Times. In fact, he could probably teach a course on Social History. The Professor has the right idea. By educating his mind beyond the realm of law he is able to make criticisms of the law that a singular legal mind cannot make.

The second thing I'd like to suggest is a reiteration of Father Zogby's piece on volunteerism. A lawyer has a number of opportunities to volunteer in this day and age. With the Reagan Administration making cuts in the Legal Services Corporation, the poor's need for legal help can only be met through us.

However, doing legal work is not the only thing you can do. You can do community work, church work, work with the elderly or poor. Two hours a week - two hours out of 168 hours - to give yourself. Father Zogby is compiling a list of things you can do. If that isn't for what you're looking try your local church, nursing home or civic association. Whatever you do, do something. In an age when it has become fashionable to say "I don't care," I'm not afraid to say, "I care," and I believe you care as well. However, I'm greedy - I want you to care more. I want you to care until you understand and when you understand you will be a better lawyer and, more importantly, a better person.

So as we graduate let us remember that our education is just beginning. We can best educate ourselves by striving to gain more education in law and other fields, and by striving to help our society and thus our spiritual selves. After all, isn't this what law is all about?

To all those who have had an active part in the F.D.L.S.A., especially Vincent Gentile, thank you. It was a lot of fun.

Robert Altman
for the F.D.L.S.A.

NEW MOOT TOOTS

BY MICHAEL R. GRAHAM

The Moot Court Board, which oversees Fordham's two intramural moot court competitions (the Mulligan Competition held in the summer, and the Wormser Competition held in the fall of each year) and Fordham's interschool and national teams, will induct its 1985-86 Editorial Board and 1985 National Moot Court Team on April 17, 1985 at a reception marking the formation of the Fordham Moot Court Alumni Association. A.J. Bosco has been named Editor-in-Chief, and Robert Hughes has been named Managing Editor. The other editors are Robert Fitzgerald (Kaufman Competition Editor), David Cohen (Mulligan Competition Editor), Robert Farrell (Wormser Competition Editor), Natalie Bocca (Interschool Editor), Michael R. Graham (Trial Advocacy Editor), Willajeanne McLean (Legal Writing Editor), Charles Toto (Alumni Editor), and Ambrose Benkert and Susan Bai (Associate Editors).

Margaret Mary O'Brien, Lon Singer, and Robin Shanus were named members of the 1985 National Moot Court Team.

The Tenth Annual Irving R. Kaufman Securities Law Moot Court Competition was won by the College of William and Mary. The team, made up of Mark A. Allen, Robert A. Acosta-Lewis, and Scott K. Sheets, also authored the Best Brief in the competition. Fordham's team of Priscilla C. Monahan, Robert G. Farrell, Jr., and Mary M. O'Brien was runner-up, and Ms. Monahan was awarded Best Speaker of the competition.

The distinguished bench for the final round was made up of The Honorable Thomas J. Meskill, Judge, United States Court of Appeals for the Second Circuit; John E. Sprizzo, Judge, United States District Court for the Southern District of New York; Dickinson R. Debevoise, Judge, United States District Court for the District of New Jersey; and John L. Caden, Magistrate, United States District Court for the Eastern District of New York.

Thirty-six teams from twenty-eight law schools from across the United States and Canada participated in the three day competition.

LAW REVIEW ENTERS 54th YEAR

BY LAURA LONGOBARDI

The Law Review represents Fordham in the libraries of law schools, law firms, bar associations and private practitioners across the country. Fordham's reputation among these groups is greatly affected by the reputation of its Law Review. Preserving this reputation and striving to enhance it are the goals of every Editorial Board. This requires tremendous cooperation and effort by all the editors and staff members. The Law Review publishes six books within each volume, from October through May, containing approximately 1,400 pages.

The Editor-in-Chief holds the ultimate responsibility for everything published in the Law Review. He indirectly supervises the writing of all student notes by meeting with every student author, the Commentary Editor for that student and the Writing and Research Editor on topic proposals and outlines, and by approving final drafts and footnotes for the Notes. He also contacts outside authors, making publication offers to them, and dealing with problems that arise with their Articles. He also has administrative duties and represents the Law Review with the deans, the faculty and the alumni.

The Managing Editor handles the day-to-day operation. He deals with the printers and subscribers, orders supplies, remedying any problems that may arise, and assigns work to the staff. He is the last editor to read each Article and Note before it goes to the printer, checking for substantive content and proper blue book form.

The Writing and Research Editor works in coordination with the other journals to develop the Writing Competition problem. He helps students find viable Note topics and assigns the staff to different Commentary Editors. The Writing and Research Editor meets, as does the Editor-in-Chief, with every student author and the Commentary Editor for that student, discussing the student's topic proposal and outline. He keeps track of all Notes being written and reads all Circuit Court slip opinions and

major legal newspapers, finding recent cases and articles that may help a student write a note, or that may pre-empt a topic. He may also edit student pieces.

The Articles Editors deal largely with outside authors. The Senior Articles Editor is responsible for sending acknowledgements to all authors who have submitted Articles. He is the Review's major liaison with outside authors. He also organizes the annual Labor Symposium at the Law School, the speeches from which are published in the Review. The other Articles Editors assist in revising the outside pieces.

Commentary Editors work with the staff members. The initial stages of a student Note involve a general discussion of a proposed topic to determine the precise issue of law on which the student wishes to write. Once the idea has taken shape and the student has done a complete pre-emption search, the student submits a proposal that is read by the Editor-in-Chief, the Writing and Research Editor, and the author's Commentary Editor for approval. The next step is the outline. This too must be approved. Once the outline has been approved, the Editor and the student author discuss the entire outline, deciding which parts are to become footnotes, and which are to remain as text. The first draft is written without footnotes. The Editor and author then revise the draft extensively, often four or five times, until both are completely satisfied that the product is the best possible. The student then writes the footnotes for the Note, which are also subject to major revisions. The Commentary Editor assists the student in "turning over" the Note after a faculty member reads it on the law; after it is cite-checked three times; after Professor Michael Martin (the faculty moderator) reads it; and after the Editor-in-Chief re-reads it. Finally, the Note is published.

These descriptions of the different positions on the Editorial Board indicate the incredible amount of work that the Editors and the staff

do every year. These descriptions may also be deceptive because they imply that each Editor does completely separate tasks. In effect, each one works towards a single finished product--the Law Review--and thus each one makes a full time commitment. In fact, the Law Review charter forbids Editors from holding jobs. A conservative estimate of an Editor's time commitment would be 65 hours per week. Classes are missed frequently. This year, for the last time, each Editor will receive a full tuition scholarship. The Editors give up the opportunity to work at a paying job and to have a reasonably normal lifestyle during their last year in exchange for the opportunity to be "overworked and underpaid." Nevertheless, the Board is selected each year on the basis of one criterion: to best meet the challenges of running the Fordham Law Review.

Editor-in-Chief
Robert Maher
Managing Editor
Michael Farrell
Writing and Research Editor
Steven Hinden
Senior Articles Editor
Michael Crane
Articles Editor
Tira Harpaz
Articles Editor
Bradley Johnson
Commentary Editor
James Dobbins
Commentary Editor
Arthur Fama
Commentary Editor
Andrea Flink
Commentary Editor
Donald Olander
Commentary Editor
Sare Silbiger
Commentary Editor
George Stepaniuk

ULJ PICKS NEW BOARD

The editorial board of Volume XIII of the **Urban Law Journal** met on March 16, 1985 to elect the editorial board for Volume XIV. The editorial board consists of 14 people. The members of the board are chosen from the **Journal's** forty-six staff members.

Dorothy Cumby was elected Editor-in-Chief and Tom Joyce was elected Managing Editor. They are responsible for the administrative duties of the **Journal**, and final approval of all student notes and professional articles.

Brian Kearney will serve as Writing & Research Editor. His responsibilities include coordinating the Unified Writing Competition which will be held on the weekend of June 1st & 2nd, 1985. Approximately fifty new staff members will be chosen from this competition based on writing ability, organization and blue book form. All students having completed their first year are eligible to compete in this competition. The Writing & Research Editor is also responsible for development and final approval

of topics for all staff members Notes.

Dan Etna and Winnie Sandler will serve as Articles Editors. They are responsible for soliciting and editing professional articles for publication in the **Journal**. Rona Just will serve as Business Editor. She is responsible for handling financial matters, soliciting subscriptions to the **Journal** and assisting in editing student notes.

Commentary Editor positions will be filled by: David Bleckner, Andrea Galbo, Edward Joyce, Joan Miles, and Jeanine Schupbach. the Associate Editor positions will be filled by Harvey Epstein, Stuart Melnick and Lee Smoler. Their duties consist of working closely with staff members throughout the writing process and editing the drafts of their notes.

The **Urban Law Journal** has its office in Room 310. If any students have any questions regarding the Writing Competition and duties of staff members on the **Journal**, they are invited to stop by the office for further information.

NEW ILJ EDITORS

Juden Justice Reed
Editor-in-Chief
 Joseph A. Burke
Managing Editor
 Elizabeth Smith Stukeley
Research & Writing
 Franca A. Franz
Articles Editor
 Robin A. Roth
Article Editor
 Thomas T. Janover
Commentary Editor
 Julianne McKenna
Commentary Editor
 Sarah M. Ward
Commentary Editor
 Theodore Delaney Weis
Commentary Editor
 Lori Wood
Commentary Editor
 Sabrina Allan
Business Editor

ON GRADUATION

By GARY WALTERS

"Get a move on!," the eager voices cry.
 "keep in step, and join our delirious dance.
 (Don't stop to think 'cause it's all a bunch of nonsense)."
 The endless chain of bodies snatches you forward in a mad dash,
 Careening helter-skelter across the landscape, finally bringing you ...
 Back where you started.

That wasn't very profitable, was it?
 Following the pack rarely is.

Why don't we start again ...

Take the world in your hands and turn it inside-out.
 You'll have a much better perspective on the whole farce.
 Watch out! You'll burn yourself on the lava.
 Look at that bubbling cauldron of molten metal.
 See it flare with unthinkable violence.
 It's a very relaxing sight when you stop to think about it.
 Much preferable to the incessant yammering of vain humanity.

Let's try a different perspective.
 Let's look at the world upside-down. Follow me ...
 Whoops! Watch your step or you'll fall off the sky.
 This is interesting, everybody's walking backwards and talking backwards.
 I hate to say this, but it all makes a lot more sense this way.
 Everybody's got their priorities backwards.
 If we all did everything just the opposite,
 We'd be much closer to paradise.

Why don't we try the far view now.
 Just keep on goin' out and out.
 Don't forget to hold your breath,
 There's no air where we're going.
 See the world dwindle beneath our feet.

Hey, look up now. There goes a comet ... and there's a meteor!
 Ah ... the grandeur of space. Truly God's country.
 The stars pasted 'gainst the sky like blazing pebbles on a black coral beach.
 The massive planets gyrating gracefully 'round their master sun
 In a stately minuet.

Look down now, way down.
 There's our very own Terra sitting there.
 It's certainly a magnificent sight ...
 The soft pastel blues and greens dabbled over with swaths of fleecy white.
 So peaceful ... you can't hear the t.v.'s ... or the neighbors ...
 You can't see the ghettos ... or feel the hunger
 In the belly of a starving baby. You can't taste our polluted waters.
 You can't smell the carnage of the battlefield.

It all seems so beautiful when you distance yourself this way.
 But we can't isolate ourselves on Mount Olympus.
 Those people on Earth need us.
 I'm going back ... you're coming with me aren't you?!

Come on, you can't stay up here. You can't hold your breath
 Forever.
 Besides, it gets lonely on top of old Olympus.
 That's better, let's go back now.

Whooooosh ... the air rushes past
 As we descend at interstellar speed.
 The sights and sounds and smell of swarming humanity return.
 It's kind of depressing. So many problems and no apparent solutions.
 Fear not. There's hope and resolve to be found,
 But not by turning the world topsy-turvy in a madcap search for truth.
 Instead, examine the world inside yourself.
 Drop your bucket deep, deep down and drink
 From the cool, clear well of self-understanding.

**The Board of Editors for
The 1985 - 1986
Advocate has openings
for Staff Writers. The
name, address and
telephone number of
persons interested in
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The New Racketeers

(Continued from page 5)

all a person need do is mail one letter or make one telephone call with fraudulent intent. Do it twice within ten years, and you have engaged in the "pattern" required by RICO.

Private RICO has split the federal courts for the past three years. Dozens of courts have restricted its availability, concluding that despite its broad language, Congress intended to reach only defendants whose conduct smacks of racketeering. Dozens of other courts have refused to restrict private RICO, concluding that Congress meant what it seems to have said and realized that non-racketeers might also be snared. The result has been nationwide confusion, leading the Second Circuit of Appeals to remark last summer that "there is simply no consensus on what RICO requires."

Congress in 1970 may or may not have intended that private RICO supplant nearly two hundred years of fraud law by creating an all-purpose triple-damage remedy. There is much to suggest, in fact, that Congress paid little attention at all to private RICO as it concentrated on RICO's criminal provisions. RICO's convoluted language and inconclusive legislative history make the answer anyone's guess.

The trouble with private RICO, however, goes beyond its few paragraphs and all the ink which has been spilled in the effort to figure them out. RICO is just one example of a disturbing trend which has often seen Congress enact

ill-defined and overly broad legislation, complacent in the knowledge that the courts would somehow fill in the gaps. The courts, after all, may not decline to hear cases properly brought before them, even if the decision turns on legislation whose meaning baffles the ordinary mind.

Some of the voices in Congress which decry "judicial activism" -- or "judges who legislate" -- are the same voices which often leave the courts no choice. Court of Appeals Judge Ruth Bader Ginsburg has complained about the proliferation of "murky, buck-passing" legislation, which judges are often forced to edit and rewrite before a case may be decided. In a 1980 case turning on a puzzling provision of the Clean Air Act, for example, Justice William Rehnquist threw up his hands and declared that "the effort to determine congressional intent here might better be entrusted to a detective than to a judge."

Private RICO is also a puzzle, one whose pieces the Supreme Court might fit together a few months from now. The deeper trouble, however, is that even if the Court does make sense of RICO, other congressional puzzles will remain.

Impact Of Reagan's Proposed Aid Changes

(Continued from page 3)

2. National Direct Student Loan (NDSL)

In FY 85, the federal government will provide \$215 million in capital contributions nationally, with New York State expecting to receive an estimated \$20 million. Nearly 67,000 loans are now made in New York. Schools will continue to be able to make loans from the existing revolving funds.

3. State Student Incentive Grant (SSIG)

In FY 85, the SSIG program will provide \$76 million nationally, with New York State expecting to receive over \$6 million. The federal funds are used to offset costs of the State's Tuition Assistance Program (TAP) and would need to be replaced by State taxpayers if the SSIG program is terminated.

E. College Work-Study (CWS)

In FY 85, \$593 million in federal funds will be made available nationally, with New York

State receiving an estimated \$50 million for 74,000 students. The President's FY 86 budget would combine CWS and SEOG into a new Work-Study/Grant program funded at \$850 million. Institutions would be able to use up to 50% of their allocation for making supplemental grants. Unfortunately, the combined SEOG/CWS funding would be \$155 million less under the President's proposal than the current total of the two separate programs, a loss of over 15%. Thus, New York State would actually lose a total of \$12 million through the "expanded" College Work-Study/Grant Program. Since the Work-Study program is a matching program, institutions would likely also be required to provide 20% of the "new" CWSP federal funds using institutional resources.

F. TRIO Programs

In FY 85, the TRIO programs (Staff Training, Upward Bound, Talent Search, Special Student Services, and Educational Opportunity Centers) were funded at \$175 million, nationally. The President proposes to eliminate the Talent Search, Educational Opportunity Centers, and Staff Training programs and reduce funding by \$93 million (-53%). In addition, recipients would be required to provide matching funds. The President's proposal could result in an estimated \$7.4 million loss in New York State.

Conclusion

All of the above recommendations will restrict access and choice to higher education, especially for poor students from non-traditional family and educational backgrounds. The \$4,000 assure that poor students will not be able to meet the average \$11,000 per year cost of independent higher education in 1985-86 in New York State.

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**Students interested in volunteering as jurors
or witnesses for June 10th trials,
sign up on Professor Harris' door
(Rm. 145) by May 15, 1985.**

Students may observe any training sessions.

See Professor Harris for information by June 3rd.

BRETHREN: NEW CHAMPS

Parauda! Parauda! Parauda! No one word could more tellingly capture the Brethren's convincing 40-35 defeat of the Intramural Basketball League's defending champion Diversity Jurisdiction. Offense and defense, defense and offense--this man can do it all. When John Parauda wasn't scoring one of his team-leading 17 points, he was teaching Diversity Jurisdiction the meaning of defense.

The Intramural Basketball League Championship took place this past April 4th, at 9:00 P.M. in the P.S. 191 gymnasium. In the semi finals, just 24 hours before, Diversity Jurisdiction and the Brethren readily extinguished any remaining championship hopes of F.U. Law and the Greeks, respectively. Each team was prepared for what was sure to be a head-to-head battle and appeared confident that they could be the victors some 40 points later.

The Brethren's David Motola emphasized, "The key to the game is going to be our inside strength with John Parauda and Rick Sapir. They are our two main guns and we basically center our offense around them." Fellow teammate and Commissioner of the Intramural Basketball League Tom Ryan added, "The key to this game is to remain caaaaalm and coooooool." Opponent Brad Butwin voiced Diversity Jurisdiction's goals, "We have to shoot well and Tim Coleman must take it to them down low. All 5 guys have got to do it."

The game started out looking like it might be a blow-out as the Brethren jumped out to an early 5-0 lead. Diversity Jurisdiction, however, wouldn't hear of it, and began matching the Brethren's offense point for point. In fact, the final score, 40-35, reflected that same 5 point deficit which Diversity Jurisdiction has surrendered from the start. As Diversity Jurisdiction's own Dave Cannon suggests, the Brethren's early lead was truly a damaging blow. Had Diversity Jurisdiction not given up those first 5 points, the final minutes of the game might have been entirely different.

Further, Dave Cannon was impressed with the play of the Brethren, "The bottom line is that they played like a real team, like a unit, and unfortunately we didn't that night. They think, they're good athletes, and they're smart."

Cannon and teammate Tim Coleman had their hands full under the boards with the likes of John Parauda, Dave McCarthy, and Rick Sapir. All these players had their share of rebounds but none more than Cannon whose total, both offensive and defensive, was the highest for both teams. Not to be out done by the big men, the Brethren's Jeff Goore snatched almost as many defensive rebounds out of the air as did his team leaders Parauda and Sapir.

Making sure Parauda doesn't get all the credit, Diversity Jurisdiction's Sam Watkins led both teams in scoring with a grand total of 18 points. This is more than half of his team's total scoring effort. Other high scorers include Rick

Sapir with 11 points and Tim Coleman with 10 points. Watkins also led both teams in steals with a total of 6. The only one to come close to him was Sapir with 2.

There had been some talk during the season of procuring referees for the finals. However, these referees really weren't necessary as Jeff Goore pointed out, "There was a generally friendly atmosphere throughout the game." Yet, had this been a closer game in the final minutes, the arguments may well have surfaced. This may be especially true when the players stamina is tested in a grueling 40 point game.

Overall, this was a strong, calculated victory for the Brethren. They never lost control, they stuck to their game plan, and they led Diversity Jurisdiction throughout the game never letting them get any closer than within 2 points. As Brethren teammates Jay Romagnoli and Len Potter noted, John Parauda was their undisputed MVP.

Although the Brethren have masterfully unseated the reigning champions and now unquestionably hold the championship crown, it should be noted that these teams were not without changes in personnel from the teams of last year. With the inception of this season, the Brethren procured the seemingly impeccable John Parauda and Diversity Jurisdiction lost the formidable All-City threat of Stephan Dweck. These changes so effectively shifted the "balance of power" that neither team could have been dubbed the heavy favorite in this current season championship.

As Sam Watkins pointed out after the game, "The better team definitely won this time and hopefully next year we can challenge them for the championship." Diversity Jurisdiction may very well get that chance as their team should remain intact until next year. The Brethren, however, will lose third year sharpshooter John Parauda.

A second championship match-up between these two teams would then be guaranteed to be even closer than his year's battle. The main change would be the reversal in roles--Defending Champion Brethren vs. Challenger Diversity Jurisdiction. Will the Brethren be able to handle its new title and successfully thwart the many teams whose sole goal is to beat number one? And will Diversity Jurisdiction be able to endure a third consecutive year to the finals? Only the commencement of the 1986 Intramural Basketball Season stands between you and the answers!

**PAGE
SEVEN**

TRIAL AD TEAM WINS NATIONALS

(Continued from page 1)

Fordham's interschool teams and Moot Court Board are chosen from among the participants in Fordham's two intramural moot court competitions. The Mulligan Moot Court Competition will be held this summer, and the problem will be available by the first week in June. The Wormser Competition takes place in the fall. Any students entering their second or third years in the fall are eligible to participate in either competition. To be eligible for the Trial Advocacy Team, students must be in their final year at Fordham and take Trial Advocacy in the Fall term. For more information, call or visit the Moot Court Board office, Room 305, 481-5246.



Who is this woman?

FABULOUS FOLLIES

BY ELIZABETH HERMIDA

On April 2 and 3, The Fordham Follies presented their annual production, much to the delight of the Law School. Alexandra Cohn, Louise Firestone, and Mark Kenny have produced another winner. Thanks to their efforts and a book and lyrics by Alexandra Cohn, Bill DiConza, Sheri Doyle, Mary Dunn, Louise Firestone, and Joan Sheridan the show is a sparkling revue which amuses steadily for an hour and a half.

"The Mean Season: Fast Times at Fordham Law" pokes fun, inter alia, at the agonies of the job search, student egos, exams, and pride in the Law School. It is difficult to single out any one of the songs as best and the performances were uniformly smooth. Act 1 begins outside the placement office as a group of students sings of the agony of interviewing. Two bittersweet tunes, "I Really Need This Job," and "Not On Law Review" speak of the tensions of competing against ones' classmates and the rest of the world. Feelings that were not so funny in reality are dragged out in the open and laughter puts them in perspective. Next the scene shifts to Dean Feerick's office, where Dave Vicinanzo, as Dean Feerick, and Bill DiConza, as Dean Crowley, sing a duet that is uncharacteristically self-congratulatory, "We're The Tops."

Scene 3 is a parody of student interviews. All of the performances were smooth, but especially memorable were: Pat Stein (as Maureen Provost), and Kevin O'Neill, Sheri Doyle, Harvey Epstein, and Edward Joyce. Scene 4 took place in a classroom, where a certain property professor, wearing a ten gallon hat, boomed, "Why are you talking to your neighbor?" Kevin O'Neill, as Norman F. X. Weiner, led the chorus in a rocking rendition

of "Sit Down, You'll Ruin The Curve." Next, it was Sheri Doyle's turn to take stage, as Melissa "Buffy" Aldrich, to play "Network" and sing "When I Was a Babe." Sheri's bright satire of the law student with family connections was followed by Joan Sheridan's elegant portrayal of Alexis Westlaw, an unbeatable Superwoman. Act 1 ended with Edward Joyce suffering the agonies of a Moot Court competition as a very funny Harold Frumpkin.

After a short intermission, Act 2 opened in Dean Feerick's office with a dual protest. The exam proctors want more money. The students want an honor code. Proctors and students join in a saucy and rollicking patter song, "Write a Little, Talk a Little." Tom Bundock, Lauren Puglia, Dina Sheridan, Tim Shore, and Pat Stein are hilarious as the proctors. Back to the placement office for "I'd Do Anything For This Job." Lynn Crosson and Joan Zoeller stood out here and Mary Dunn was perfect as the interviewer. The pride Fordham Law students feel in their school was evinced by two sentimental songs: one gently ironic, "My Old Law School" and one unabashedly celebratory "One (Year at Fordham Law School)." This last was sung and danced by all. Gwyneth Murphy's choreography, noteworthy throughout, was outstanding in this number.

The strength of the show is apparant in the quality of the performances. Thus, the members of the chorus perform with all of the aplomb of the featured singers. Peter Biging, Mariarosa Cartolano, Carol Ann Connors, Elizabeth Knapp, Risa Levine, Kim Martin, Brian Murphy, and Michael Rodi contribute in equal share with all the others.

In addition, Lynn Crosson and Lauren Puglia played piano; Raymond Hardy did the lighting; Mark Kenny and Michael Bolton prepared the program; Risa Levine assisted with the choreography, and Dean Linda Young gave generously of her time and effort as always. Lastly, Sheri Doyle and Louise Firestone did a masterful job of direction. The staging was sprightly and original. Set direction was not credited, unfortunately, because the space was used to full advantage with many and varied changes. Particularly amusing was the set for the Atrium. All of the participants deserve congratulations and thanks for taking the time to create such a delightful diversion for the rest of us. The show was a perfect break from the tensions of work and study.



MITCHELL TALKS ABOUT HIS NEW POST

(Continued from page 1)

using his clout to try to get people to come here. I'm talking with (professional media people) right now as to whether we can arrange to get the entire thing televised. So I think it's very realistic. It's just that we have to be aggressive... And that's what I'm doing. We're working on this right now.

Q: So your term began with your election?

A: No, it really begins in September but we're starting to put our programs in now. **The other people are kind of lame duck.** So we're moving on what we can do right now.

Q: Why did you decide to run...?

A: I was very disappointed with the way things were running in the school... **I felt that the law students here were very self-centered** and I don't think that that's good for an attorney. If you're going to be a successful attorney people have to know about you... I think that law students need to be involved in the New York City community because it serves Fordham that people know about you. That's how you build on a reputation...

Q: Have you talked with the Placement Office and the Alumni Office about setting up networking parties?

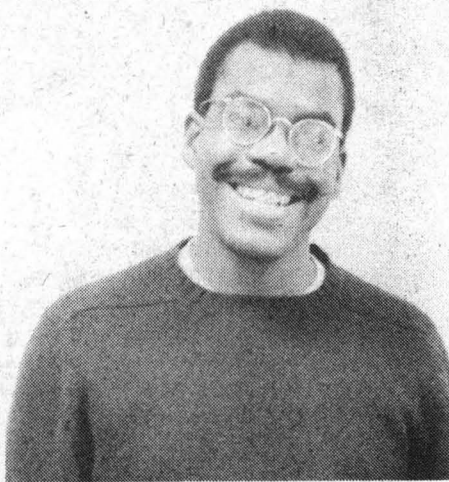
A: Yeah... Traditionally we've given four Tangs a semester... I'm going to cut that in half. I'm going to give two Tangs in each semester and we're going to give two networking parties in each semester... I've been talking to Maureen Provost about that and I'm going to talk to Dean Reilly in the Alumni office. They kind of work hand in hand. We're going to have like a specialty night... if you want to go into admiralty or corporate law or something like that then we're going to invite alums who have been successful in those areas to come to a cocktail sip in the atrium. And then we can have students... mingle and try to get to know these people... We'll try and cover the gamut of specialties so that people can get a feel for if they're interested in the specialty and contacts within that field on an informal basis...

Q: Have you met with your staff...? (Vice President Sam Watkins, Secretary Matt McKinley and Treasurer Kathy Karavellas)

A: Yes, I have... The two things we primarily discussed were the debate and the lobbying effort, which is being run by my Secretary Matt McKinley, concerning the financial aid cutbacks...

Q: Yes, you mentioned that...

A: ... We had a letter which we're distributing to all students to sign which basically says that we don't want federal aid to students to be cut... **We're hoping to have Senator D'Amato come here and take a stack of these letters... to Washington with him...** As SBA representatives we should be lobbying for the



interests of Fordham Law Students and this is something that is very important: whether or not we can get student loans...

Q: One of the candidates talked quite a bit about the Student Faculty Committee. What does that committee do?

A: The Student Faculty Committee oversees academic affairs... One of the hot topics we had this past year was the writing requirement... **The present SBA was very good in negotiating to change that requirement.** We also deal with the legal writing program... There have been a lot of complaints about the writing program.

Q: What do you think...?

A: ... I think that they should have a full year course and either drop something out of the required courses or move it someplace else... **Law schools are kind of hesitant to be practice oriented, especially when they have a national reputation like Fordham.** They like to make it more of an academic type exercise but I honestly believe that legal writing should encompass drafting complaints, drafting motions, briefs, memoranda, the whole gamut. I think it should be... the equivalent of Civil Procedure or Property: at least a five credit course. I think it should be very intense. Small groups...

Q: How can that fit into the first year curriculum?

A: They'd have to drop something. Maybe they'd have to move Con Law into the second year... **I really think they should emphasize legal writing more so that when people leave their first year they're confident in their legal writing skills.** You and I were in the same class. We had two papers. That doesn't really boost your confidence.... you don't get any con-

structive criticism on the paper until... you're out of school. It really doesn't help you. A... closely supervised program which is worth five credits I think is worthwhile.

Q: ... If they're not going to do it freshman year then they should have a legal writing course in the second year that deals with those issues...

A: I think there is a Practical Writing course.

Q: Right... but it's a practical writing course... geared toward people that have structural problems... It's like a grammar course... not a legal writing course... I think... they should have an advanced legal writing course for people that want to do motions and complaints... And an intensive one too. Make it a four credit course. Give those people a lot. **Work them to death but make sure that they learn how to write.** Matter of fact, I'm going to write that down...

Q: What about the prohibition against taping lectures...?

A: I don't like it... Anything that people feel will help, they should be able to do... Another idea which somebody came to me about... is to give model exam answers... I think that would help freshmen considerably.

Q: ... Tell me about the Tangs you've attended...

A: They're beer parties. Basically DJ,

need jobs... You can come to the cocktail sips and then go to a disco and have good time...

Q: What about other kinds of social activities...?

A: ... we're going to get the discount tickets that are available... and publicize them...

Q: I've heard a rumor that you're planning to install a huge video screen in the cafeteria so that students can watch MTV between classes. Is that true?

A: ... I was thinking about the cafeteria but now I'm leaning toward putting it in the lounge... I'd like to get feedback on whether people would object to putting it in the lounge...

Q: ... what does the SBA do for Evening Students?

A: Wow. Socially not much because it's difficult... one thing that I definitely will do is make sure that when whatever cocktail sips we give will be on the one day during the week that evening students are off... I really need feedback on what I can do for evening students... I'd like to encourage Evening Students to come to me...

Q: You've talked about Fordham's national reputation. Do you think Fordham should emphasize that...?

A: ... **I think this school is going to move toward a more national reputation...** All the top law schools cannot accommodate all the top caliber people that are coming. I think they will maintain their New York flavor... but I think that moving toward a more national reputation

I Want To Spark Some Sort Of Controversy

beer... You know people seem to have a good time. I don't stay long because **I'm not a big partier... I enjoy giving a party though...** when you're president you get to give parties... I'm thinking about doing a couple of twists with the Tangs. I want to have a Halloween Tang... maybe give a prize for the best disguise... A Valentine's Day one. Something that will mean something to people other than just beer and music...

Q: Do you think students are satisfied with Tangs...?

A: ... **The people I see at a Tang seem to be having a good time...** I'd just like to change the emphasis a little bit. I think you need the release of a Tang but by the same token, since we have limited resources, people also

is a better idea.

Q: What about dormitories...?

A: ... They're working on that... and they do need one, but the funny thing is... you can live at Rose Hill... but you have to commute...

Q: Do you think that dissuades students from other parts of the country...?

A: Yes... that's why they need dorms... **The first thing a kid from California is going to ask is "Where am I going to live?" ... Fordham doesn't have an answer for that right now.** But once they do then I think they'll get more people to come.

Q: Is pushing for dorms a priority for your administration?

A: That's not really something that I can

(Continued on page 15)

FORDHAM UNIVERSITY SCHOOL OF LAW CLASS of 1985 COMMENCEMENT MASS

CELEBRANT: Rev. Joseph A. O'Hare, S.J.
President, Fordham University

- SUNDAY, MAY 26, 1985
- 11:30 A.M.
- POPE AUDITORIUM
- REFRESHMENT TO FOLLOW

ALL STUDENTS & GUESTS WELCOME

SOAPBOX: TOWARDS A NEW ...

JUSTICE, PART III

BY ROBERT ALTMAN

I must confess that Part III of this series is not as forceful as Part I, nor as coordinated as Part II. While I have always felt that I could hold my own with anybody on domestic policy, any college professor could probably do a quick number on me with respect to foreign policy. What I then present is a hodge-podge of ideas. Not really coordinated with anything else. Some of what is discussed comes from a moral and not a strategic viewpoint.

Before I start with my ideas I would just like to get one thing straight about my own foreign policy philosophy. I read an article last year in *The Observer* (the C.L.C. newspaper) which advocated U.S. support for dictatorships without U.S. guilt if these dictatorships remained totalitarian. The author claimed that as long as the Soviets played this game we must as well. The United States must aspire to higher things than playing an international chess game with the Soviets. Central American countries are not pawns, but people. If we support and help form dictatorships, then we are nothing more than Russian-like devils on the right. To support dictatorships without truly working for them to be democratic (and fast) is to lose sight of our goal in international politics—to give all peoples a democratic choice. Any other goal is to deny these peoples the enjoyment of rights we so dearly espouse.

Like my domestic program, my musings on foreign policy is divided into four areas: South Africa, a Nuclear Freeze with A Twist, the "Hart" military and Defining a Just War. I start with South Africa. **SOUTH AFRICA:** What the hell are we doing supporting South Africa? Hey—there are a lot of reasons. First, South Africa is a leader on all precious metal exchanges and some feel if it really wanted it could step up production of precious metals and change the market. Second, South Africa contains many other natural resources vital to our nation's military health. Third, South Africa is one of our few joint allies with Israel who sends Israel a notable amount of aid.

Three reasons, but I still ask, why are we supporting South Africa? Our reasons to support it pale with the oppression that goes on there (which is well documented in the media). We are basically supporting a regime similar to our ante-bellum South. Some nuts (the Reagan Administration?) like to point out how South Africa is progressing. Well, the ante-bellum South was progressing as well and we still needed both a war to end slavery and the turbulent sixties to pass Civil Rights legislation. If South Africa has a war I promise you its result will not be as favorable to the United States.

Assuming you agree with me (even Reagan does) that there is a problem in South Africa, the question is what to do. I propose a simple plan—divestment of all U.S. assets over a seven year period. This gives U.S. companies the opportunity to either sell out early or exploit South Africa's resources quickly. During this seven year period the U.S. should offer to

mediate negotiations between the South African regime and black leaders. Seven years is not an arbitrary time period. It is less than 2 terms of a presidency. Hopefully, the next president can make such a move early in his Administration so he can see the move to completion. Believe me, the pressure in those seven years on U.S. companies, the South African regime, black leaders and the President will be so great that some solution would be reached.

Some conservatives would oppose this or any other plan on two bases. First, blacks in South Africa would be worse off under a "black" government, and second, why pick on South Africa?

The answer to the first complaint is four fold. First, blacks would be worse off under any government if whites just got up and left a la Rhodesia-Zimbabwe. The drain of human capital and financial resources would be too much for any country. Second, no one really knows if the situation would be worse—some African nations do better, some worse. Change always upsets the status quo, and with change comes opportunities for success and possibilities for failure. South African blacks are entitled to their opportunity. Third, allow South Africa to have a revolutionary opposition like Rhodesia-Zimbabwe had, and this enhances the possibility of a subsequent revolutionary government. Bishop Desmond Tutu and his followers seem like a more palatable group with which to deal. Finally, to expect black governments in all of Africa not to have problems is naive. European countries colonized Africa under artificial borders in the 18th and 19th centuries. Africa was and is a continent of tribes. This additional factor is one few Americans hear about or contemplate, but it presents destabilizing difficulties for any government. While colonial governments by their intrusive and one-party nature were able to suppress tribal conflict, new governments are forced to deal with the issue.

Why bother South Africa (or the Philippines or South Korea)? Because South Africa is our ally. We have little influence over Cuba or North Korea, but we do enormous influence over South Africa. Instead of concentrating our moral suasion on situations where we have little influence, it's best we concentrate on those areas where we can make a difference.

The Nuclear Freeze With A Twist:

Did you know we have a satellite that can listen to all electrical communications more powerful than a transistor radio over an area as large as a college campus? Amazing what technology can do. Maybe some time in the future Star Wars will not be such a fantastic idea, but before we try Star Wars shouldn't we first see if we need it—after all the cost is staggering.

My idea is quite simple—build a nuclear weapons verification satellite. One that would allow us to know how many missiles the Russians have and where. Considering the fact that

we have this communications satellite system, this would not be so far-fetched.

Next, after testing this satellite on our own country to check its reliability, we turn it on the Russians and say "FREEZE!" No, this is not a stick-up, but rather a "Nuclear Freeze." The U.S. will unilaterally freeze for one year and invite the Russians to join us. If they do not, then we build up faster than even Reagan wants. If they do join us, then we've forced them into a verifiable nuclear freeze. Either way, we know what cards the Russians have along with their intentions.

I know this is a pretty simplistic idea, but hey so is the idea of building a weapons defense system which will remain impregnable forever.

During last year's Presidential primaries I decided to read Senator Hart's book, despite the fact that I already knew I was not voting for him. I was unimpressed with his domestic policy—almost all of which I had already heard, but his military ideas, only some of which I had previously heard, got my attention. Those of you who wish to read a really interesting essay on the military should read pages 120-140 of his book. For those of you too lazy to do this I submit the following brief summary.

Senator Hart's foreign policy can be broken down into two parts—strategic reform and military reform. Senator Hart's strategic reform is a recommitment to Admiral Mahan's 19th Century wish of naval superiority. Hart makes a good case for naval strength since much of the world's trade relies on keeping shipping lanes open. Of course, Hart disagrees with the present military build-up of the navy, since he feels the focus is to fighting the last war rather than the next one.

Hart's military reform is also interesting in that it consists of a number of common sense procedures which have been already met by military opposition. First, Hart would like to see an end to the constant turnover of soldiers in military units, so soldiers can build up morale and if called to action they fight with their friends rather than strangers. Second, Hart would have our military system put emphases on military rather than management skills. Third, Hart believes in "maneuver warfare..." (where) the object is to destroy the enemy's ability to think clearly and act effectively in combat by creating surprising and dangerous situations faster than he can cope with them." Fourth, upon devising a "maneuver warfare" strategy Hart would equip for that type of war and make sure the equipment works, not only as expected, but in battlefield situations. (To this point, Hart mentions as an example an anti-tank missile which requires the gunner to stand exposed to fire for 20 seconds for the gun to be useful.) Finally, Hart would change the military's bureaucratic set-up to a cooperative model in order to allow each officer to work for the overall goals and purpose of his service, and not to work just for his own little department within that service.

DEFINING A JUST WAR:

I will not in this part of my essay give a criteria as some have recently done by which to define a just war versus an unjust war. Rather, I look to define only one type of just war—a war against genocide.

Three times in the 20th century a people faced near extinction from systematic programs of a government—early in the century with the Armenians and the Turks, in the middle of the century with the Jews and the Nazis, and most recently the Cambodians and the Khmer Rouge. Society's primary function is to protect its citizens, but in these instances society decided to destroy its citizens. To define my theory of a just war I would like to use Cambodia as a case study.

Cambodia before the massacres of the Khmer Rouge was a country of seven million people and one of the leading exporters of rice per capita in the world. (No one in Cambodia was starving.) Cambodia, though in the same region as Vietnam, was not poor, nor wracked by the civil strife of Vietnam until the early seventies. However, after the Vietnam War a group of radical Communists supported by mainland China wrested away control of the Cambodian government from non-Communists. This radical group was known as the Khmer Rouge (red Cambodians) and led by a person (or possibly a group of people) called Pol Pot. When the Pol Pot regime took over all hell broke loose; Phnom Penh, the capital city, was evacuated of all its people by the Khmer Rouge and the Khmer Rouge forced all of the city's inhabitants into the countryside for re-education.

Almost overnight Cambodia went from a fairly prosperous state to an impoverished one. Cambodia's rice crop was probably either destroyed or left to rot. We know this because Cambodia went from a rice exporter to a rice importer. Where all the rice went still remains a mystery.

But worse than the impoverished and dictatorial state was the systematic killing that occurred. The Khmer Rouge knew that most of Cambodia was not Communist and therefore decided to rid themselves of those "unfit" to live under their new regime. Sometimes the Khmer Rouge were quick, huddling innocent people into a hut and burning the hut down with the people locked inside. Other times they would simply machine gun a group of people. Sometimes they would simply starve people. If people needed incentive to work, they would pick a few people as examples, and force them to dig large holes with small holes next to them. The Khmer Rouge would then place a person in each of the large holes, and refill the holes with dirt so that only the head of the digger remained above ground. After days in the broiling sun, the Khmer Rouge would then machete off the victim's head and place it in the small hole next to the dead person.

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Mitchell Talks About His New Post

(Continued from page 12)

do in a year... I was at an affair last night and the Dean (Feerik) mentioned that that was in the blueprint. So they are going to be doing that in the next two or three years...

Q: ... How's your rapport with Dean Feerik?

A: I think very good... In my capacity as a B.A.L.S.A. representative I've been fortunate in getting to know him pretty well... so I don't think there's too much that he's not going to be supportive of that I come up with.

Q: ... Do you think the SBA should play a role in recruiting?

A: Most definitely... **There are some law schools where students actually participate in the admissions process.** I think that's a good idea... The administration doesn't seem to want to do that. They're hesitant about it. I'm not sure they can't be persuaded... I think that would contribute toward a more diverse student body...

Q: If you were on the admissions committee... what kind of student would you look for...?

A: I'd like a good student but not a great student... **I'm not enamored with people with 3.9 averages if they haven't done things outside of school...** Somebody who shows an involvement with their school community... If you have a 2.5 average but you have an outstanding career as a banker then I think you are just a competent... to do law school work... Lawyers can be too self centered... and it's not good for the profession...

Q: I noticed that your running mate, Pat Lenard, was a money market trader...

A: I was a banker too. I was a trust officer... One of the things that we're going to do is right now the SBA uses a bank for their money...

we're going to put it into a money market... a liquid money market, something that's very flexible so that we're earning money while our money is being used...

Q: What kind of practice are you planning to go into?

A: **I want to be a trial lawyer. I want to have my own practice.**

Q: What made you decide to give up banking for law?

A: After a while I decided hey, I made some money, maybe I should move on and become a lawyer rather than just being a counsellor... **I guess I wanted a stage. My courtroom will be my stage.**

Q: ... Peggy O'Brien called the last SBA leadership "one of the most silent and inactive parts of the law school." How will you change that?

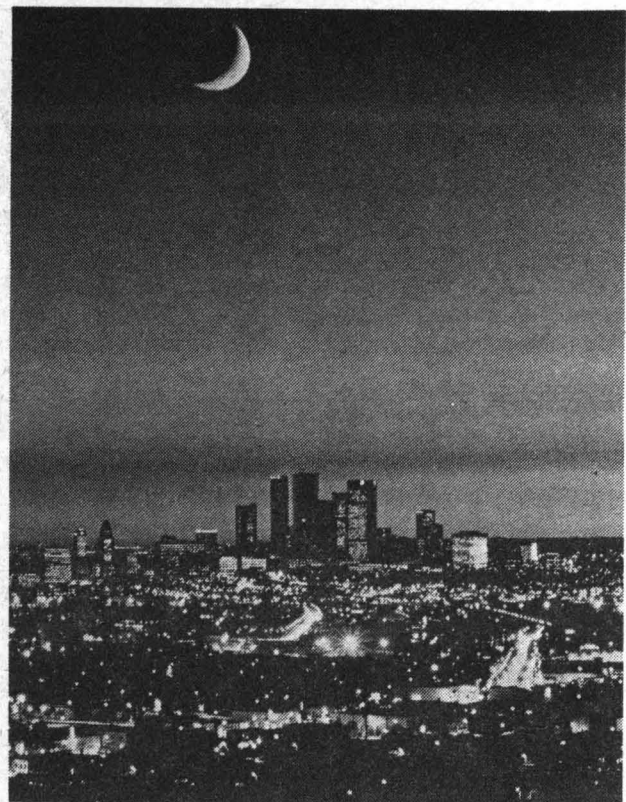
A: ... **I want to ... spark some sort of controversy in the school so that people come to me...** because I think that the best way to get people involved is to spark controversy....

Q: What do you think people will say about your administration?

A: I think they'll say we were the best there is...

Q: But specifically...

A: I think they'll say the we came up with a lot of new ideas and that they got done... **We will definitely leave a legacy when we go out.**



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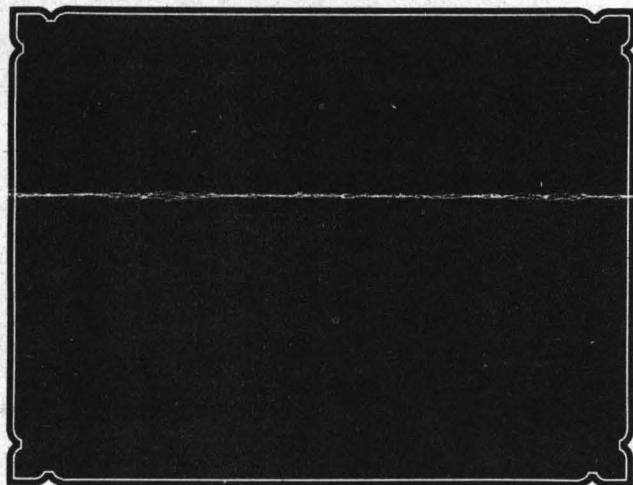
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